

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN E. HENRICKS, III,

Defendant.

CATHERINE HENRICKS,

Interested Party.

ORDER

13-CR-83-bbc

This case is before the court on the directive of the Court of Appeals for the Seventh Circuit to determine the property interests of the parties (plaintiff United States, defendant John Henricks, III, and defendant's wife, Catherine Henricks) as of January 10, 2014, when judgment was entered on defendant John Henricks's criminal conviction. United States v. Henricks, 2018 WL 1473503 at *6.

Catherine Henricks has asked for a long period of briefing, on the assumption that the court will have to determine the value of the assets as of January 10, 2014. In fact, the court of appeals' decision says nothing about valuation, for good reason. Not only has Catherine Henricks never raise the issue of valuation, the issue is irrelevant. The court's task is not to determine the past or present value of property possessed by John and

Catherine Henricks as of January 10, 2014, but merely to determine what property is subject to the government's restitution order. At this stage of the proceedings, it appears that the court's task is limited to four categories of assets: (1) those that have been levied upon under the writ of execution; (2) the real property and assets of AJ's Autobody; (3) the 2013 federal tax return; and (4) the Foster & Smith, Inc. Retirement Account. Accordingly, there is no reason to provide time for the parties to gather evidence about the value of the assets at stake.

ORDER

IT IS ORDERED that plaintiff United States of America may have until June 11, 2018 in which to file a brief in support of its determination of the interests of John Henricks and his wife, Catherine Henricks, as of January 10, 2014. John Henricks and Catherine Henricks may have until July 2, 2018, in which to respond. Plaintiff may have until July 14, 2018, in which to file its reply.

Entered this 18th day of May, 2018.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge